

REMARKS

With the entry of this amendment, claims 2, 3, 5 to 11, 14, 15, 17 to 23, 27, and 28 are presented for the Examiner's consideration. By the present amendment claims 1, 4, 12, 13, 16, 24, 25, and 26 are canceled. Claims 5 to 11 and 17 to 23 are drawn to allowable subject matter. By the present amendment, claims 5 and 17 have been amended to be in independent form and, in addition, claims 2 and 3 have been amended to be dependent on claim 5 and claims 14 and 15 have been amended to be dependent on claim 17. Therefore, claims 1, 3, 5 to 11, 14, 15, and 17 to 23 are in condition for immediate allowance. Claims 27 and 28 have been amended to be of similar scope to claim 5; that is, they include the elements which the Examiner has found to be drawn to allowable subject matter with respect to claim 5. Therefore, it is submitted that claims 27 and 28 are also in condition for immediate allowance.

Claims 1, 13 to 15, 18 to 23, 27 and 28 were objected to because of the preamble language. Specifically, the Examiner objected the expressions used in preamble "characterized by having" and "characterized by comprising". Claims 1, 13 and 14 have been canceled. Claims 15, 18 to 23, 27 and 28 have been amended to replace this language by phrases suggested by the Examiner. As amended, it is believed that the objection has been overcome, and withdrawal of the objection is respectfully requested in view of the amendment.

Claims 1, 27 and 28 have been rejected under 35 U.S.C. §112, second paragraph, for reciting the limitation "the path delay/reception beam number" as not having a sufficient antecedent basis. Claim 1 has been canceled. Claims 27 and 28 have been amended to provide the required antecedent basis. As amended, it is believed that the rejection has been overcome, and withdrawal of the rejection is respectfully requested in view of the amendment.

Claims 1 to 4, 12 to 16, and 24 to 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. US2001/0049295 A1 to Matsuoka et al. in view of U.S. Patent No. 6,240,149 to Yukitomo et al. The rejection is moot as to claims 1, 4, 12, 13, 16, and 24 to 26, since these claims have been canceled. As to claims 27 and 28, these claims have been amended to

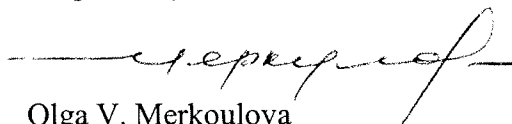
be comparable in scope to claim 5, which has been indicated as being drawn to allowable subject matter. Therefore, it is believed that this rejection as to claims 27 and 28 has been overcome, and withdrawal of the rejection is respectfully requested in view of the amendment..

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 2, 3, 14, 15, 27 and 28 be allowed together with claims 5 to 11 and 17 to 23, and that the application be passed to issue. It is submitted that this amendment *prima facie* places the application in condition for immediate allowance, early notification of which is requested.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis, Christofferson & Cook, P.C.).

Respectfully submitted,



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